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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO BALLARDO QUINTERO,

Defendant.

CASE NO. 1:21-CR-00257-NONE-SKO-1

STIPULATION AND ORDER BETWEEN THE
UNITED STATES AND DEFENDANT FOR A
PROTECTIVE ORDER

WHEREAS, the discovery in this case involves a confidential informant, statements by civilian witnesses (audio, video, and/or written), and images of a personally identifiable information (PII) including Social Security numbers, dates of birth, passport and other identification information of real individuals, (the “Protected Information”); and

WHEREAS, the parties desire to avoid the unauthorized disclosure or dissemination of Protected Information to anyone not a party to the court proceedings in this matter;

The parties agree that entry of a stipulated protective order is appropriate.

THEREFORE, Ricardo Ballardo Quintero (hereinafter “defendant”), by and through his counsel of record (hereinafter “defense counsel”), and the United States of America, by and through its counsel of record, hereby agree and stipulate as follows:

1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure and its general supervisory authority.

2. This Order pertains to all discovery provided to or made available to defense counsel as

1 part of the discovery in this case (hereinafter, collectively known as the “discovery”) or to comply with
2 trial obligations pursuant to Title 18 U.S.C. § 3500 (Jenck’s Act), or to comply with *Brady* and *Giglio*
3 obligations. This Order also relates to any verbal communications between the government and defense
4 counsel about the confidential informant.

5 3. By signing this Stipulation and Protective Order, defense counsel agrees not to share any
6 documents or other information, verbal or written, recordings (audio/video), or images that contain
7 Protected Information or statements by civilian witnesses with anyone other than co-counsel and
8 designated defense investigators and support staff. Defense counsel may permit defendant to review un-
9 redacted documents and other discovery in the presence of defense counsel or under the supervision of
10 defense counsel. The parties agree that defense counsel, defense investigators, and support staff shall
11 not allow defendant to copy Protected Information contained in the discovery, nor provide copies of
12 documents or other information, verbal or written, recordings (audio/video), or images that contain
13 Protected Information or statements by civilian witnesses. The parties agree that defense counsel,
14 defense investigators, and support staff may provide defendant with copies of documents from which
15 Protected Information has been redacted.

16 4. The discovery and information therein may be used only in connection with the litigation
17 of this case and for no other purpose.

18 5. Upon final disposition of the case, including exhaustion of direct and collateral appellate
19 proceedings, defense counsel shall return Protected Information to the government, or certify in writing
20 that the Protected Information has been destroyed, or, if defense counsel seeks to maintain Protected
21 Information in the defense team’s files beyond final disposition of the case, seek modification of this
22 provision from the Court. If any Protected Information is used as defense exhibits, it shall be
23 maintained with government exhibits so long as those are required to be maintained.

24 6. If, upon final disposition of the case, defendant request a copy of Protected Information
25 from defense counsel, defense counsel may provide a copy of Protected Information to defendant
26 provided that defense counsel ensures that all PII contained in Protected Information is fully redacted. If
27 defense counsel provides a redacted copy to defendant subject to the above conditions, defense counsel
28 or a member of the defense team must contemporaneously attest in writing that it has fully redacted PII

1 from the Protected Information and complied with this Order. This written certification need not be
2 disclosed or produced to the United States unless ordered by the Court.

3 7. Defense counsel will store the discovery in a secure place and will use reasonable care to
4 ensure that it is not disclosed to third persons in violation of this agreement.

5 8. Defense counsel shall be responsible for advising defendant, employees, other members
6 of the defense team, and defense witnesses of the contents of this Stipulation and Order.

7 9. In the event that a defendant substitutes counsel, undersigned defense counsel agrees to
8 withhold discovery from new counsel unless and until substituted counsel agrees also to be bound by
9 this Order.

10
11 **IT IS SO STIPULATED.**

12
13 DATED: November 9, 2021

PHILLIP A. TALBERT
Acting United States Attorney

14
15 By: /s/ Jessica A. Massey
JESSICA A. MASSEY
Assistant U.S. Attorney

16
17 DATED: November 9, 2021

By: /s/ Robert L. Forkner
ROBERT L. FORKNER
Attorney for Ricardo Ballardo Quintero

18
19
20 **IT IS SO ORDERED.**

21
22
23 DATED: 11/9/2021

/s/ Sheila K. Oberto
Hon. Sheila K. Oberto
U.S. Magistrate Judge